

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, April 25, 2003, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: George Hancock, Gene Carroll, and Linda Wibbels (Tom Wanser and Gerry Krieser absent)

Others: Terry Kathe (Building & Safety), Tonya Skinner (City Law Dept.), Becky Horner and Michele Abendroth (Planning Dept.), applicants and other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Approval of the minutes of the February 28, 2003 meeting

Ms. Wibbels moved approval of the minutes as distributed, seconded by Mr. Carroll. Motion to approve carried 3-0, Hancock, Carroll, and Wibbels voting 'yes'; Wanser and Krieser absent.

Appeal No. 2354 by Pete Klucas for a variance of the front yard setback from 15 feet to 10 feet on property generally located at 3845 Touzalin Avenue.

PUBLIC HEARING

April 25, 2003

Pete Klucas, owner of the property in question, proceeded to inform the Board of the unusual conditions of the lot. The property is separated into 3 lots. Lot 1, the north lot, has no setback requirement as there was a building on the lot. Lots 2 and 3 require a 15 foot setback because that building was not on that lot. The property has 3 separate easements. One is a 30 foot easement for the bike path on the south and there is a 5 foot easement off the Sprint line that runs next to the bike path. Some of that easement is on the bike path easement, so it ends up being a 36.5 foot easement off the south side property line. There is also a 16 foot utility easement on the west side. The total of the 3 lots is 23,700 square feet. The easements total 7,583 square feet or 32% of this piece of land, so there is total usable land space of 16,117 square feet.

Mr. Klucas added that he spoke with Ray (no last name provided by applicant) in the Planning Department who said that normally the lot line is about 17 feet off the edge of the road. This particular piece of land is 27 feet off the street, probably because years ago there were no setbacks. He continued by stating that for the optimal building size, it would go on the north side, because that would be the zero setback area and would give him the 15 x 50 foot area. However, the main point is that if he puts the building there, it would not be as aesthetically pleasing. He feels that putting it on the south side would make it as attractive as possible for the community and for himself. Mr. Klucas noted a couple drawbacks in putting it on the north side. One would be the wall facing Seward Street, and the other is that the bike path would be subject to fenced parking.

Mr. Klucas continued by stating that the major safety issue is the line of sight of the traffic pointing eastward at the stop sign on Seward, as it would block the sidewalk which is mostly pedestrian and bike

traffic. He stated that he does not feel the north side is the best location of the building. He would like to put it on the south side. The only negative aspect is that he is losing 750 square feet. He is requesting a 10 foot setback, but will probably only use 3 feet of that. There is a pre-made mezzanine that fits in to a 130 foot long building. He also noted that every building in all four directions is on the lot line, so he would still be back 10 feet from them. He stated that he spoke with some of the nearby property owners, and it did not seem to be a problem for them. He believes that there would be no negative effect on the health or economic value, and would improve safety conditions. Mr. Klucas stated that he spoke informally with Buff Baker, who stated that there would probably not be a problem with line of sight for the trail. Lastly, it does not affect the I1 zoning area.

Mr. Carroll asked Mr. Klucas if he would be satisfied with a reduction of 2 feet instead of 5 feet. Mr. Klucas stated that the building would fit into a setback on lots 2 and 3 that was only 12 feet instead of 15 feet. Mr. Carroll then asked how close the building is to the easement for the bike trail. Mr. Klucas stated that it is 6.5 feet off the bike path easement and 36.5 off the back property line.

Ms. Wibbels stated that she appreciates Mr. Klucas' consideration of the impact of the aesthetics. She also questioned the line of sight for the bike path and stated that she wants a specific answer on that issue.

Mr. Hancock asked if part of the proposed building will sit on lot 1. Mr. Klucas responded that about 5 feet of it will sit on lot 1. Mr. Carroll asked if the drawing before them is what he is asking for. Mr. Klucas stated that it is not, but the new drawing is almost the same scenario except it goes back to the Sprint line easement, which is 4.5 farther to the south. Mr. Hancock then asked if it changes the application for variance. Mr. Klucas confirmed that it did not.

Mr. Hancock asked if asked if there was additional testimony for or any testimony against the applicant. With no one appearing, the public hearing was closed.

ACTION

April 25, 2003

Mr. Carroll asked Mr. Kathe about the existing driveway in reference to the "grandfathering" of it. Mr. Kathe said that Public Works would be the department to answer that question. He added that in conversation with Buff Baker, Mr. Baker mentioned that they would have to move access off Touzalin if they wanted the access on Seward also.

Mr. Carroll then asked Ms. Skinner if they should wait to act on this application. Ms. Skinner stated that she recommends they wait to get the line of sight information and to see the current drawing. Ms. Wibbels stated that she agrees as she does not feel there is adequate information to make a decision.

Mr. Carroll made a motion to reopen the public hearing until the next meeting date; it was seconded by Ms. Wibbels. Motion carried 3-0, Hancock, Carroll, and Wibbels voting 'yes'; Wanser and Krieser absent.

There being no further business, Mr. Hancock adjourned the meeting at 2:14 p.m.